



Recd  
mun. 3/13/03

March 9, 2006

Barbara Miller  
Chuck Nwaneshiudu  
500 E. 33<sup>rd</sup> Street Suite 1100  
Chicago, IL 60616

RE: Santanna Natural Gas Corp v. Chuck Nwaneshiudu and Barbara Miller,  
05 L 12260

Ms. Miller and Mr. Nwaneshiudu,

I hope this finds you both doing well. This is in regards to the above captioned case. I have enclosed a copy of the latest motion I have filed with the Appellate Court yesterday concerning the appeal of our petition to vacate the default judgment against Continental.

The motion is for an extension of time to file the record. There were certain items missing from the record when it was originally prepared, causing me to have to prepare a Supplemental Record. If you have any questions regarding this document, feel free to call.

*Filed 3/9/06*

*he told us this  
on 11/9/06*

I will keep you updated with any new developments that may occur.

Thank you,

*J. Simón Gamboa*  
J. Simón Gamboa  
Hester & Waters, PLC

mailed  
3/9/06

Rec'd Monday, 3/13/03

REC'D / TELETYPE COMM.  
DIST.  
JUN 14 1964  
JUN 14 1964

Plaintiff-Appellee,

v.

Defendant-Appellant.

Appeal from Cook County First Municipal District

Case No. 03 M1 126454

**Trial Judge:** Honorable Moira S. Johnson

Notice of Appeal Date: October 27, 2005

Judgment Date: September 28, 2005

Defendant-Appellant Continental Financial Mortgage Inc. ("Continental"), by one of its attorneys, J. Simón Gamboa of Hester & Waters, PLC, and pursuant to Ill. S. Ct. R. 326, moves this Court for an extension of time to file the Record on Appeal ("Record") Instantanr. In support of its Motion, Continental states as follows:

1. On October 27, 2005, Continental filed its Notice of Appeal.
2. On November 9, 2005, Continental filed its Record on Appeal Request Form.
3. On December 29, 2005, the Clerk of the Circuit Court contacted Hester & Waters and apprised them that the record was prepared and could be picked up as soon as the fee was paid.
4. Attorney Gamboa was out of the office that entire week to attend to his 19 month old daughter.
5. The following week Attorney Gamboa informed his clients about the need to pay the fee to pick up the Record.
6. On January 10, 2006, the fee was paid and the Record was picked up.

7. However, upon review of the Record, Continental's counsel realized that much of the Record was missing, including all of the pleadings relevant to the instant appeal.
8. Continental required additional time to prepare and file a Supplemental Record on Appeal pursuant to Illinois Supreme Court Amended Rule 329 with the clerk of the Circuit Court.
9. On January 18, 2006, Continental filed a Motion for Extension of Time to File the Record on Appeal with the Appellate Court in which Continental asked the Appellate Court to give Continental until February 13, 2006, to file a Supplemental Record on Appeal with the Circuit Court for the clerk to bound and certify, and give Continental two weeks from the date the clerk prepares, bounds, and certifies the Supplemental Record on Appeal to file both the Record and the Supplemental Record with the reviewing Court, attached as Exhibit A.
10. On January 27, 2006, the Appellate Court granted Continental's motion, a copy of the order attached as Exhibit B.
11. Continental filed the Supplemental Record with the Circuit Court clerk on February 14, 2006, as February 13, 2006 was Lincoln's Birthday (Observed) and is a Circuit Court holiday causing the Circuit Court to be closed.
12. Continental filed a Stipulation to Supplement Record on Appeal, signed by Plaintiff-Appellee Santanna's counsel, on February 14, 2006, attached as Exhibit C.
13. On Friday, February 17, 2006, The Circuit Court clerk contacted Continental's counsel to inform them that the Supplemental Record was prepared, bound, and certified.
14. On Wednesday, March 1, 2006, within the two week period asked for in the Motion and granted in the Order, Continental's counsel attempted to file the Record on Appeal and the Supplemental Record on Appeal, but counsel was told that they were both late and I needed to contact Appellate Court Clerk Steve Ravid.
15. Continental's counsel spoke with Appellate Court Clerk Steve Ravid on Thursday, March 2, 2006, at around 9 am, and was told by Mr. Ravid that the way the Motion was written the only date that would be recognized is February 13, and that the Record on Appeal and the Supplemental Record on Appeal were considered late.
16. The previous motion for extension could not provide an exact date for extension to file both the Record on Appeal and the Supplemental Record as the Circuit

Court could not indicate an adequate timeline for preparation of the Supplemental Record.

17. The complete Record on Appeal consists of 4 volumes, one of which is the Supplemental Record on Appeal.

WHEREFORE, for the forgoing reasons, Continental Financial Mortgage Inc requests that this Court grant Continental's motion for an extension of time to file, *instantly*, the Record on Appeal.

CONTINENTAL MORTGAGE  
FINANCIAL INC.,  
Defendant-Appellant,

By: J. Simón Gamboa  
J. Simón Gamboa, One Of Its Attorneys

Mr. J. Simón Gamboa  
Attorney for Defendant-Appellant  
Hester & Waters, PLC  
10 West 35<sup>th</sup> Street  
Chicago, IL 60616  
312.674.9661  
312.674.9665 fax

IN THE APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

 $\mathbf{v}_i$ 

Defendant-Appellant.

Appeal from Cook County First Municipal District  
Case No. 03 M1 126454  
Trial Judge: Honorable Moira S. Johnson  
Notice of Appeal Date: October 27, 2005  
Judgment Date: September 28, 2005

**ORDER**

ORDER

This matter coming to be heard on the motion of Defendant-Appellant Continental Financial Mortgage Inc.'s motion for extension of time to file the Record on Appeal, IT IS HEREBY ORDERED: *Date should be entered here.*

That the motion is GRANTED

That the motion is

GRANTED

**DENIED**

Justice

RECEIVED  
JAN 10 1964

Dated: JAN 27 2009

APPELLATE COURT, FIRST DISTRICT

Mr. J. Simón Gamboa  
Attorney for Defendant-Appellant  
Hester & Waters, PLC  
10 West 35<sup>th</sup> Street  
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Exhibit B